



Guidance and Appeals Panel (GAP) Referral Application (2nd instance)

Use this form if you cannot submit the online application to apply for a previous Tribunal decision to be referred to the Guidance and Appeals Panel. Send this form to GAP@art.gov.au.

You can read more information about who can request a GAP referral and what kind of cases are eligible for GAP referral on our website, art.gov.au. If you have any questions about completing this form, call us on 1800 228 333.

We will use the details we have on file for the finalised Tribunal case for your GAP application. If any of your personal details change, please contact us on 1800 228 333 to update them.

Section 1 - Your details

Your name	<input type="text"/>
Organisation name (if applicable)	<input type="text"/>
Contact phone number	<input type="text"/>
Contact email	<input type="text"/>

Section 2 – Representative details

You can represent yourself at the Tribunal or you can choose another person to represent you. Fill in this section if you have a representative. Make sure you fill in their details. We will send letters and other documents about your application to the representative instead of sending them to you.

Name	<input type="text"/>
Organisation	<input type="text"/>
Postal address	<input type="text"/>
Contact phone number	<input type="text"/>
Contact email	<input type="text"/>
What type of representative?	<input type="text"/>

Note: examples of the type of representative include lawyer, migration agent, accountant, social worker, or a family member or friend.

Section 3 - ART case details

ART case number

Applicant name

Respondent name

Area where your Tribunal decision was heard

What was your role in the Tribunal case?

Note: if you were not a party to the Tribunal case, you cannot make an application for the decision to be referred to the GAP.

Section 4 – ART decision details

We need to know when you received the Tribunal decision so we can check if your application has been lodged within the time limit. An application lodged outside the time limit will not proceed unless an extension of time is sought as part of this application. If you are lodging outside of the 28 day time limit, please complete all questions in this section. If you have completed the [Application for extension of time for making an application for review form](#) make sure you send it to us with this form.

Date of Tribunal decision

When did the Tribunal give its reasons for the decision?

What are your reasons for applying for an extension of time? Include information about why you did not apply within the time limit.
Note: You only need to complete this section if you are applying more than 28 days after you received the Tribunal decision.



Section 5 – Court appeals

Have you applied to appeal the Tribunal decision in the courts?

Yes No

If you have applied to the courts, what is the appeal reference number?

Section 6 – Basis for referral to the GAP

You must tell us why you believe the Tribunal’s original decision should be referred to the GAP. There are limited reasons for a decision to be referred and you will need to address in detail the basis you select. Other parties will have an opportunity to respond to your reasons before your referral application is decided.

Tick the box that best described your basis for seeking a referral to the GAP

- The case raises an issue of significance to administrative decision-making
- The case raises an error of fact or law that affected the decision of the Tribunal
- Both

Where the decision raises issue(s) of significance to administrative decision making, identify the issue(s) of significance to administrative decision making and set out why the decision raises the issues. Where the decision raises an error(s) of fact or law that affected the Tribunal’s decision, identify the error(s), which part of the decision relates to the error(s), identify any relevant case law or legislation, and explain how the error affected the outcome. If you rely on any discretionary factors please also include them here.

Note: examples of discretionary factors include the financial burden to have a matter heard by the GAP or the likelihood that an error of law in a Tribunal decision occurred and its significance to the Tribunal’s decision on review. More discretionary factors are identified in Part 5 of the [GAP Practice Direction](#) which is available on the ART website at www.art.gov.au

Please provide your reasons for the basis of referral with reference to the information above



Section 7 – Request to stay original decision

You can apply to the GAP to make an order to stay the original Tribunal decision. Your request for a stay order will only be considered if your application is referred to the GAP. If you would like to apply for a stay order, you should complete a [Request for a Stay Order](#) and include it with this form.

Section 8 – Request for a hearing

Applications for referrals of previous Tribunal decisions to the GAP are usually decided without a hearing.

Do you require a hearing to present additional information?

Yes

No

If you do require a hearing, provide reasons about why a hearing is necessary. You should include information about any prejudice you may suffer if a hearing is not granted.

Section 9 – Documents

If there are documents you want us to consider as part of this application, you can provide the details here.

Are there any documents from the previous Tribunal case that you would like to bring to our attention as part of this application? If so, please list their details below.

Note: You do not need to resubmit any documents you have already provided to the Tribunal as part of your previous case.



Are there any additional documents you would like considered that you have not already provided to the Tribunal? If yes, list their names below and provide a copy with this form.

Note: You do not need to resubmit documents you have already provided to the Tribunal as part of your previous Tribunal review.

Section 10 – Declaration

I understand that by signing and submitting this form I am making an application for a referral of a previous Tribunal decision to the GAP and declare that the contents of the application are true and to the best of my knowledge

SIGNATURE

Signature

Date

dd / mm / yyyy

Print name



Privacy Notice

Collection of information

The Tribunal collects personal information, including sensitive information about you, that is directly related or reasonably necessary for the President to decide whether to refer your matter to the Guidance and Appeals Panel (Panel).

If the President refers the matter to the Panel, the Tribunal may collect personal information, including sensitive information, about you that is reasonably necessary for, or directly related to, the conduct of the review by the Panel.

How information is collected

The information will be collected in this form and from documents collected for the purpose of the earlier proceeding in which the decision you have asked to be referred was made.

If the President refers the matter to the Panel, further information may also be collected from: you; the original decision-maker; other parties to the review and other government or non-government bodies or people; and publicly available sources. Publicly available sources include websites and social media.

The Tribunal may also collect information where documents are given to it under a summons and are taken into evidence. Documents given under a summons that are not taken into evidence will be destroyed or returned after the review is finalised.

Use and disclosure of information

The Tribunal will only use this information for purposes related to this application, or related reviews under the [Administrative Review Tribunal Act 2024](#) and purposes authorised under the [Privacy Act 1988](#) and other Australian laws.

The Tribunal may use personal contact information for its customer surveys to improve its services.

The Tribunal may disclose the information to parties to the review, including the department, organisation or person who made the original decision.

A copy of this application form and any accompanying documents will be provided to the other parties to the earlier proceeding.

Information collected for the purpose of payment of any application fee is not disclosed, other than to Tribunal staff for the purposes of their duties and the Tribunal's financial and technical service providers for payment processing.

Publication of decisions

The Tribunal is generally required to publish decisions made by the Panel unless a confidentiality order has been made or a law prohibits publication of the decision or information contained in it. For more information about confidentiality visit [Privacy and confidentiality at the ART](#).

Privacy Policy

For more information about privacy in the Tribunal, including how to make complaints, see the [Privacy Policy](#).